GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Establishment – Secretariat – Single Unit – Sri B.H.N.S.Prasad, Section Officer (Retd.) – Notional promotion in the category of Section Officer from 27.02.2004 instead of 06.03.2005 due to revision of his seniority in lower category i.e. Asst. Section Officer – Orders – Issued.

GENERAL ADMINISTRATION (S.U.I) DEPARTMENT

G.O.MS.No. 72 Dated:12-06-2015.

Read the following:-

1. G.O.MS. No.226, G.A.(SU.II) Department, Dt.03.05.1994.
2. Memo. No.89820/SU.II/2003-1, G.A.(SU.II) Dept., dt.17.07.2003
3. Memo No.96635/SU.II/2006-1, G.A.(SU.II) Dept., dt:27.06.2007.
4. G.O.Ms.No.201, G.A. (SU.II) Department Dt.10.04.2008.
5. G.O.Ms.No.186, G.A. (SU.II) Department, Dt.20.06.2003.
6. Memo No.21323/SU.I/2008-1, G.A.(SU.I) Department, dt.07.01.2009.
7. From A.P.A.T. Order dt.11.10.2012 in O.A. No.5232/2011 filed by Sri B.H.N.S. Prasad, Section Officer (Retd.).
8. Representation of Sri B.H.N.S.Prasad, Section Officer (Retd.) Dt.19.11.2012 & dt.23.07.2013.
9. Memo No.2636/SU.II/A1/2012-6, G.A.(SU.II) Department, dt.18.01.2013.
10. A.P.A.T., Order dt.29.04.2015 in C.A. No.1926 of 2013 in O.A.No.5232 of 2011 filed by Sri B.H.N.S. Prasad, Section Officer (Retd.).

*****

ORDER:

Sri B.H.N.S.Prasad was joined in service as Typist in the year 1978 and later converted to the post of Junior Assistant in the year 1982. He was promoted to the category of Assistant Section Officer on 24.06.1991 and his services were regularized in that category w.e.f. 24.06.1991 in the reference 1st read above with a condition to fix inter-se-seniority of the said Assistant Section Officers Annexed to the G.O. separately.

2. In the reference 2nd read above, a provisional seniority list of Assistant Section Officers in Single Unit from 01.09.1984 to 18.03.1998 was prepared and communicated to all the concerned Assistant Section Officers including Sri B.H.N.S.Prasad calling for objections, if any, before finalization of seniority. In the said list, the name of the individual was shown at Sl.No.368 taking his date of regularization on 31.07.1992. Among others, the individual also submitted a representation stating that his services were regularized in the category of Assistant Section Officer w.e.f. 24.06.1991, but in the provisional seniority list, he was assigned a different date i.e.03.07.1992 instead of his date of regularization in the category of Assistant Section Officer and requested to fix his seniority in the category of Assistant Section Officer w.e.f. 24.06.1991.

3. In the reference 3rd read above, the provisional seniority list published in the Memo 2nd read above, was revised and objections, if any, were invited. In the revised provisional seniority list dt.27.06.2007, the individual name was shown at Sl.No.309 taking his date of regularization on 24.06.1991 instead of 31.07.1992. In the G.O. 4th read above, the final seniority list of Assistant Section Officers from 01.09.1984 to 18.03.1998 was published.

p.t.o.

4. Before revision of provisional seniority list of Assistant Section Officers, Sri B.H.N.S.Prasad was promoted to the category of Section Officer on 06.03.2005 during the panel year 2004-2005, on the basis of provisional seniority list issued in the memo 2nd read above taking his date of seniority in the category of Assistant Section Officer as 31.07.1992. Later, the final seniority of the individual was issued in G.O.Ms.No.201, G.A.(SU.II) Department dt.10.04.2008 taking his date of regularization in the category of Assistant Section Officer on 24.06.1991.

5. In the Memo 6th read above, based on the final seniority list, in the category of Assistant Section Officer, issued in G.Os. 4th and 5th read above , a provisional seniority list of Section Officer was prepared from the panel year 1988-1989 to 2006-2007 and communicated to all the concerned calling for objections. In that, the name of the individual was shown at 1006 in the panel year 2003-2004 taking his date of promotion as Section Officer on 27.02.2004 instead of original date of promotion on 06.03.2005. Certain objections were received and finalization of seniority is under process.

6. In the meantime, the individual retired from Government Service on attaining the age of superannuation on 31.01.2009 and filed O.A.No.5232 of 2011. The Hon'ble Andhra Pradesh Administrative Tribunal in its order Dt:11.10.2012 has observed as follows:

"..... , *the Respondents are directed to complete the exercise of finalisation of seniority list of Section Officers as expeditiously as possible and consider the case of the applicant on the basis of seniority list finalized*"; and, the Hon'ble Andhra Pradesh Administrative Tribunal has ordered that "**the O.A. is disposed off with the above directions**".

7. In his representation 8th read above, Sri B.H.N.S.Prasad, Section Officer(Retd.), while enclosing the above orders, has requested the Government to fix his pay w.e.f., 27.02.2004 instead of 06.03.2005 in the promotional post of Section Officer in the appropriate scale and also in terms of Fundamental Rule-22(B) r/w F.R.(26(a a), so as to enable him to submit his revised pension proposals on that basis. While the issue is under examination, he has filed C.A. No.1926 of 2013 in O.A. No.5232 of 2011.

8. The Hon'ble A.P.A.T. in its orders 10th read above, has directed the respondents to comply with the orders of Tribunal dated 11.10.2012 in O.A. No.5232/2011 by 15.06.2015.

9. Government, after careful examination of the matter, hereby accord notional promotion to Sri B.H.N.S.Prasad, Section Officer (Retd.) in the cadre of Section Officer w.e.f. 27.02.2004 instead of 06.03.2005 due to revision of his seniority in lower category i.e. Assistant Section Officer from 31.07.1992 to 24.06.1991.

10. The appointment ordered in para (9) above is subject to outcome of O.A. 5070/2003, O.A.No.424/2010 in W.P.No.1908/2012, dt.22.02.2012 and any other OAs/WPs/SLPs pending before the Courts.

Contd.p.3

11. The YAT&C (OP) Department shall take necessary further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

MUKESH KUMAR MEENA
SECRETARY TO GOVERNMENT (POLL.) &
SECRETARY TO GOVERNMENT (SER.) (FAC).

To
Sri B.H.N.S.Prasad, Section Officer (Retd.)
The Youth, Advancement, Tourism, & Culture (OP) Department.
The Accountant General, Andhra Pradesh, Hyderabad.
The Deputy Pay & Accounts Officer, Andhra Pradesh, Hyderabad.
Copy to:
The P.S. to Secretary. to Govt (Poll) & (Ser)FAC, G.A. Department.
The P.A. to Deputy Secretary to Govt.(SU).
SF/SC.

//Forwarded by :: Order//

SECTION OFFICER